

**IN THE DRAWINGS**

Please replace the sheet including previously added Figure 6 with the replacement sheet including Figure 6.

### **REMARKS**

After entry of the present Amendment, claims 1-2, 6-12, and 14-22 remain in the application, with claim 1 in independent form. Claim 2 has been amended to correct inadvertent grammatical errors. Claims 13 and 14 have been cancelled. Claims 3-5 were previously cancelled.

A replacement sheet of drawings including Figure 6 has been included, as required by the Examiner. Figure 6 has been revised to show the roller of Figure 4 in proximity to the steering column. In other words, revised Figure 6 shows the same general features as original Figure 3, but with the roller that is shown in original Figure 4. Additional support for revised Figure 6 can be found throughout the specification and the claims, including in paragraph [0018] and claims 21 and 22. Paragraph [0018] has been amended to reflect the revisions made to Figure 6. No new matter has been added.

Claims 13 and 14 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Claims 1, 2, 7-10, 19, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Li et al. (U.S. Patent Application Publication No. 2002/0036404). Claim 6 stands rejected under 35 U.S.C. §103(a) over Li et al. in view of Muller (U.S. Patent Application No. 2004/0211612). Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al. Claims 11, 12, and 15-18 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

#### **Claim Rejections Relying on 35 U.S.C. §112, Second Paragraph**

As to the rejections under 35 U.S.C. §112, Second Paragraph, claims 13 and 14 have been cancelled, thus rendering the rejections of claims 13 and 14 moot.

#### **Claim Rejections Relying on 35 U.S.C. §102(b)**

As to the rejections under 35 U.S.C. §102(b), the Applicants respectfully traverse those rejections as they relate to independent claim 1. In particular, the Applicants respectfully assert that Li et al. does not teach or suggest an elongated element that retains

structural integrity for returning to a pre-collision condition, as claimed in independent claim 1, and therefore does not teach or suggest each and every element of independent claim 1 as is required to establish anticipation under 35 U.S.C. §102(b).

Independent claim 1 is directed to a collapsible steering column assembly. The collapsible steering column includes, among other elements, an energy absorbing mechanism including an elongated element. The elongated element is claimed to be “sufficiently flexible to provide insubstantial resistance to bending while retaining structural integrity for returning to a pre-collision condition”.

As discussed with the Examiner in a telephonic interview on December 6, 2006, and as described in detail in an Interview Summary filed with the USPTO on January 17, 2007, the Examiner has misinterpreted the limitation “retaining structural integrity” with regard to the claimed elongated element in independent claim 1 to mean only that the elongated element can withstand at least 300 psi without breaking. As set forth in the Interview Summary of January 17, 2007, the subject patent application addresses the correct meaning of “retaining structural integrity” by explaining that once the metals straps of the prior art are deformed, the straps lose their structural integrity and must be replaced. To further explain, the elongated elements of the prior art, including the elongated elements taught by Li et al., are inflexible. In fact, the energy absorbing mechanism of Li et al. requires that the elongated element be capable of deformation to absorb energy by bending around an anvil. Deformation of the elongated element, as noted in paragraph [0003] of the present application, results in loss of structural integrity in the elongated element. Due to the loss of structural integrity, the prior art elongated elements lose some ability to absorb energy once bent back into its original shape. Due to the loss of energy-absorption capacity, the prior art elongated elements must be replaced after one use. Replacement of the prior art elongated elements is problematic for many reasons including high cost of replacement, safety concerns relative to failure to replace deformed elongated elements after minor accidents, among other problems.

In terms of the present invention, the claimed elongated element can return to a pre-collision condition, which necessarily means that the elongated element need not be replaced after use. The reason why the elongated element can return to the pre-collision condition is because the elongated element is “sufficiently flexible to provide insubstantial resistance to bending while retaining structural integrity”, even after use, such that the ability of the elongated element to perform its function within the energy absorbing mechanism is not compromised. The energy absorbing mechanism does not rely on deformation of the elongated element to absorb energy, but rather relies on friction and function of the brake to absorb the energy. These features distinguish the present invention, as claimed in independent claim 1, over the prior art including Li et al. such that Li et al. does not anticipate the elements of independent claim 1. As such, the rejection of independent claim 1 as anticipated by Li et al. under 35 U.S.C. §102(b) must be withdrawn.

In view of the foregoing, it is respectfully submitted that the other rejections relying on 35 U.S.C. §102(b), namely, the rejections of claims 2, 7-10, 19, and 20, are moot since those claims each depend, either directly or indirectly, from independent claim 1 which now includes the elements of dependent claim 5.

**Claim Rejections Relying on 35 U.S.C. §103(a)**

The Applicants respectfully submit that the rejection of claim 6 under 35 U.S.C. §103(a) is moot since claim 6 depends from the novel and non-obvious features of claim 1, and since the prior art relied upon by the Examiner to establish the rejections under 35 U.S.C. §103(a) is insufficient to remedy the deficiencies of Li et al. relative to independent claim 1.

In view of the remarks set forth above, it is respectfully submitted that the §102(b) rejection of independent claim 1 over Li et al. is improper and must be withdrawn. Further, the prior art relied upon by the Examiner in the rejections relying on 35 U.S.C. §103(a) is insufficient to remedy the deficiencies of Li et al. relative to independent claim 1. Thus, the Applicants respectfully submit that independent claim 1 is in condition for allowance. Furthermore, the remaining claims depend either directly or indirectly from the novel and

non-obvious features of independent claim 1 such that these claims are also allowable. Thus, the Applicants respectfully request allowance of the present claims.

This response is being filed timely, thus it is believed that no fees for extensions of time are presently due, and the appropriate fee for an RCE is being submitted herewith. However, the Commissioner is authorized to charge the Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C. for any additional fees or credit the account for any overpayment.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

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**Date**

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